

REMARKS**Status of the Claims**

Claims 1-5, 7-11, 13 and 15-21 are pending in the above-referenced patent application. In this response, claim 5 has been amended to correct a minor informality, and no claims have been added or cancelled. It is noted that the amendment to claim 5 is typographical in nature, and therefore introduces no new matter. Additionally, claim scope is not affected, and, therefore, no prosecution history estoppel results from this claim amendment.

Claim Rejections – 35 U.S.C §103(a)

In the Office Action, dated February 6, 2007, the Examiner rejected claims 1-5, 7-11, 13 and 15-21 under 35 U.S.C 103(a) as being unpatentable over Garland et al. (US Patent No. 6,144,772, hereinafter "Garland") in view of Nakamura (US Pub. No. 20020012126), and further in view of Barker et al. (US Patent No. 6,646,765, hereinafter "Barker"). These rejections are respectfully traversed. Reconsideration in light of the following remarks is respectfully requested.

It is noted that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (MPEP § 2142). It is respectfully submitted that the cited references do not meet these criteria. For example, the cited art, if successfully combined, still would not teach or suggest all the claim limitations.

For example, although Garland describes encoding regions of a source image at different levels of quality, Garland does not show or describe at least "an image-processing component ... adapted to receive a selection of a scanning zone of the preliminary scanned image, wherein the scanning zone

Attorney Docket: 112.P14193

comprises less than the entire preliminary scanned image, and further adapted to receive a selection of at least one sub-zone of the scanning zone and a selection of one of a plurality of compression models for the at least one sub-zone, wherein selection of a sub-zone comprises designation of an arbitrary area of the scanning zone, and wherein the selected compression model defines at least one compression ratio", as recited in claim 1. In Garland, portions of a source image are selected to be encoded at different levels of image quality. However, there is no showing or description in Garland of receiving **"a selection of one of a plurality of compression models for the at least one sub-zone"** of the scanning zone, wherein **"the scanning zone comprises less than the entire preliminary scanned image"**.

Furthermore, Nakamura does not cure this deficiency noted in Garland. Although Nakamura describes digital image processing to improve image quality, Nakamura does not show or describe receiving **"a selection of one of a plurality of compression models for the at least one sub-zone"** of the scanning zone, wherein **"the scanning zone comprises less than the entire preliminary scanned image"** as recited in claim 1.

Additionally, Barker does not cure the deficiencies noted in Garland and Nakamura. Although Barker describes selecting a limited region of a document page by referencing a pre-scanned image, Barker does not show or describe receiving **"a selection of one of a plurality of compression models for the at least one sub-zone"** of the scanning zone, wherein **"the scanning zone comprises less than the entire preliminary scanned image"**, as recited in claim 1.

Accordingly, any combination of Garland, Nakamura and/or Barker, if successful, still would not show or describe at least receiving **"a selection of one of a plurality of compression models for the at least one sub-zone"** of the scanning zone, wherein **"the scanning zone comprises less than the entire preliminary scanned image"**, as recited in claim 1. Therefore, because the alleged combination fails to teach or suggest each and every element of the rejected claims, a prima facie showing of obviousness has not been established, and claim 1 is in condition for allowance. Additionally, claims 2-5, 7-8 and 16-21 include limitations similar to those in claim 1, and, therefore, are in a condition for allowance for at least the same reasons.

Furthermore, none of Garland, Nakamura and/or Barker show or describe the limitations of claim 9. For example, none of the cited documents show or describe "displaying a plurality of user-selectable sub-zones each having a plurality of user-selectable compression ratios, wherein the sub-zones and compression ratios are determined based at least in part on chrominance and luminance data provided by the computing system", as recited in claim 9. According to the Examiner, on page 5 of the Office Action, "[T]he combination discloses in Nakamura, performing a chrominance and luminance analysis of the scanned data, and converting the scanned data based on selected parameters in response to the chrominance and luminance analysis." However, Assignee is unable to locate any description in Nakamura for "chrominance and luminance analysis", and the Examiner appears to have mischaracterized Nakamura.

Although Nakamura describes performing color correction based on spectral characteristics of digital film, Nakamura does not show or describe "displaying a plurality of user-selectable sub-zones each having a plurality of user-selectable compression ratios, wherein the sub-zones and compression ratios are determined based at least in part on chrominance and luminance data provided by the computing system". Nakamura utilizes spectral characteristics of the digital film to perform image correction, but does not display "a plurality of user-selectable sub-zones each having a plurality of user-selectable compression ratios, wherein the sub-zones and compression ratios are determined based at least in part on chrominance and luminance data provided by the computing system". Furthermore, neither of Garland and Barker cure this deficiency of Nakamura.

Accordingly, any combination of Garland, Nakamura and/or Barker, if successful, still would not show or describe at least "displaying a plurality of user-selectable sub-zones each having a plurality of user-selectable compression ratios, wherein the sub-zones and compression ratios are determined based at least in part on chrominance and luminance data provided by the computing system", as recited in claim 9. Therefore, because the alleged combination fails to teach or suggest each and every element of the rejected claims, a prima facie showing of obviousness has not been established, and claim 9 is in condition for allowance. Additionally, claims 10-11, 13 and 15 depend from and include all limitations of claim 9, and, therefore, are in a condition for allowance for at least the same reasons.

Attorney Docket: 112.P14193

Additionally, it is noted that the Assignee's omission to comment directly upon all of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions. For example, Assignee does not agree or acquiesce to Examiner's position as to whether there is any suggestion to combine the cited documents or whether there would be any reasonable expectation of success from making such a combination.

Attorney Docket: 112.P14193

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully submitted,

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I hereby certify that this correspondence is being
deposited via facsimile with the Commissioner for
Patents on May 7, 2007.

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